

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

FIRST BANK CHICAGO F/K/A FIRST)	
BANK OF HIGHLAND PARK,)	
)	
Plaintiff,)	
)	Case No. 1:23-CV-00643-MSN-JFA
v.)	
)	Judge Michael S. Nachmanoff
AMERICAN ELECTRIC POWER)	
SERVICE CORPORATION,)	Magistrate Judge William B. Porter
)	
Defendant.)	

**DEFENDANT’S OBJECTIONS TO PLAINTIFF’S RULE 26(a)(3) PRETRIAL
DISCLOSURES**

Defendant American Electric Power Service Corporation (“AEPS”), through undersigned counsel, hereby submit the following objections to Plaintiff’s trial exhibits pursuant to the Court’s September 29, 2023 Order.

OBJECTIONS TO TRIAL EXHIBITS

These objections reflect Defendant’s present understanding of the below exhibits. Defendant reserves the right to further object to certain exhibits at trial depending on how they are used, or which witness they are shown to, for example. Defendant also reserves the right to use any exhibit, whether listed or not, as impeachment or rebuttal exhibits, if necessary. Defendant further reserves the right to waive any of these objections.

Exhibit No.	Beginning Bates / Description	End Bates	Objection
83	AEP_017692	AEP_017693	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).
84	AEP_003994	AEP_004028	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).
85	AEP_002227	AEP_002228	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402). Incomplete (106) – Defendant objects to this exhibit to the extent that documents or attachments referenced therein ought, in fairness, to be considered contemporaneously.

Exhibit No.	Beginning Bates / Description	End Bates	Objection
86	AEP_008058	AEP_002216	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402). Incomplete (106) – Defendant objects to this exhibit to the extent that documents or attachments referenced therein ought, in fairness, to be considered contemporaneously.
87	AEP_016551	AEP_016553	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).
88	AEP_004084	AEP_004111	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).
89	AEP_001820	AEP_001845	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).

Exhibit No.	Beginning Bates / Description	End Bates	Objection
90	AEP_001846	AEP_001883	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).
91	AEP_007824	AEP_007833	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402). Incomplete (106) – Defendant objects to this exhibit to the extent that documents or attachments referenced therein ought, in fairness, to be considered contemporaneously.
92	AEP_001181	AEP_001207	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).
93	AEP_001927	AEP_001930	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).

Exhibit No.	Beginning Bates / Description	End Bates	Objection
94	AEP_001442	AEP_001448	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).
96	AEP_002346	AEP_002348	Hearsay (802).
97	AEP_000654	AEP_000654	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).
98	AEP_016576	AEP_016577	Relevance (402).
99	AEP_016571	AEP_016572	Relevance (402).
100	AEP_002591	AEP_002591	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402). Incomplete (106) – Defendant objects to this exhibit to the extent that documents or attachments referenced therein ought, in fairness, to be considered contemporaneously.

Exhibit No.	Beginning Bates / Description	End Bates	Objection
101	AEP_000949	AEP_000952	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).
102	AEP_000973	AEP_000982	Hearsay (802).
104	AEP_007201	AEP_007209	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).
105	AEP_0016057	AEP_0016059	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).
106	AEP_007271	AEP_007272	Relevance (402).
107	AEP_006500	AEP_006501	Relevance (402).
108	AEP_007416	AEP_007417	Relevance (402).
109	AEP_001438	AEP_001438	Relevance (402).
110	AEP_015542	AEP_015543	Relevance (402).
111	AEP_016982	AEP_016986	Relevance (402).

Exhibit No.	Beginning Bates / Description	End Bates	Objection
112	AEP_007163	AEP_007168	Hearsay (802) – Defendant objects to this exhibit to the extent that a portion of it reflects an out-of-court statement made by a non-party. Relevance (402).
113	AEP_002365	AEP_002365	Relevance (402).
114	AEP_016605	AEP_016605	Relevance (402).
115	AEP_007409	AEP_007409	Incomplete (106) – Defendant objects to this exhibit to the extent that documents or attachments referenced therein ought, in fairness, to be considered contemporaneously. Relevance (402).
116	AEP_001383	AEP_001437	Relevance (402).
117	AEP_002355	AEP_002357	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402). Incomplete (106) – Defendant objects to this exhibit to the extent that documents or attachments referenced therein ought, in fairness, to be considered contemporaneously.

Exhibit No.	Beginning Bates / Description	End Bates	Objection
118	AEP_004366	AEP_004366	Incomplete (106) – Defendant objects to this exhibit to the extent that documents or attachments referenced therein ought, in fairness, to be considered contemporaneously.
119	AEP_002398	AEP_002399	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402). Incomplete (106) – Defendant objects to this exhibit to the extent that documents or attachments referenced therein ought, in fairness, to be considered contemporaneously.
121	AEP_004191	AEP_004194	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party.
122	AEP_007024	AEP_007025	Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party. Relevance (402).

Exhibit No.	Beginning Bates / Description	End Bates	Objection
123	FBC_1	FBC_2333	<p>Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements that were not made by an AEP representative, and do not fall under any permissible exceptions to Rule 802.</p> <p>Relevance (402).</p> <p>Incomplete (106) – Defendant objects to this exhibit to the extent that any documents or attachments referenced therein ought, in fairness, to be considered contemporaneously.</p>
124	ePlus/AFG_010813	ePlus/AFG_010816	<p>Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party.</p> <p>Relevance (402).</p>
125	ePlus_0079	ePlus_0147	<p>Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party.</p>
126	ePlus_0058	ePlus_0078	<p>Hearsay (802) – Defendant objects to this exhibit to the extent that portions of it consist of out-of-court statements made by a non-party.</p>

Dated: February 26, 2024

Respectfully submitted:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 26, 2024, a copy of the foregoing was electronically filed with the Clerk of Court using the ECF system, which will send notification of such filing to First Bank Chicago.

/s/ Michelle S. Kallen

Michelle S. Kallen

*An attorney for Defendant American
Electric Power Service Corporation*